IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1714 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE N.G.NANDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

THAVRAJI DHANJI PANDOR

Versus

THE COMMANDANT, S.R.P.

Appearance:

MR IS SUPEHIA for Petitioner

MR.L.R. PURJARI A.G.P. for Respondent No. 1, 2

CORAM : MR.JUSTICE N.G.NANDI

Date of decision: 22/06/2001

ORAL JUDGEMENT

1. Heard Mr.I.S. Supehia, learned counsel for the petitioner and Mr.L.R. Pujari, learned A.G.P. for the respondent.

2. In this Special Civil Application the petitioner has challenged the order dated 13.3.1986 passed by respondent No.2 to the extent that the intervening period from removal to reinstatement is ordered to be adjusted towards the leave admissible and leave without pay.

2. The petitioner was served with chargesheet dated 4/7-7/1981 containing the charge interalia that on 28.6.1981 when the petitioner was on duty at Jagnath Police Chowky, Rajkot, he behaved in an indisciplined and reckless manner with his superior officer which led to the initiation of departmental inquiry. This charge was found proved by the inquiry officer whereas other charge of not putting properly the uniform was found proved. The disciplinary authority directed the dismissal of the petitioner from services, the order came to be challenged before the appellate authority i.e. I.G.P. State of Gujarat, Ahmedabad, who dismissed the appeal of the petitioner vide order dated 14.5.1984. Against the order dated 14.5.1984 the petitioner preferred Special Civil Application No.3301/85 and while petition was pending for final hearing the petitioner was persuaded to withdraw his Special Civil Application on assurance that he will be reinstated in services with all the benefits. The petitioner accordingly withdrew the said Special Civil Application on 10.3.1986. Then thereafter, the impugned order dated 13.3.1986 came to be passed by the respondent. The impugned order suggest that the petitioner was reinstated in service, but the intervening period from 16.7.1982 to 13.3.1986 was ordered to be treated as leave admissible and remaining period as leave without pay and for a period of 6 months, reduced to the minimum pay scale without future effect.

3. It is stated by the learned A.G.P. that as per the order dated 13.3.1986 the intervening period would be treated as leave admissible to that extent and the remaining period if any will be treated as leave without pay and that the order dated 13.3.1986 would be implemented from the date of the receipt of the writ of this order or from the date of the submission of the certified copy of this order

4. In view of the above no order is required to be passed in this petition. The respondent will implement the order dated 13.3.1986 as stated by the learned A.G.P. Petition is disposed of. Rule discharged. No order as to costs. Interim relief, if any, stands vacated.

22.6.2001. (N.G. Nandi, J.)

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